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**DEC 22 2003**

**OFFICE OF PETITIONS**

In re Application of  
John Frederick Parker et al  
Application No. 09/977,804  
Filed: October 15, 2001  
Attorney Docket No. 8-02-6018

ON PETITION

This is a decision on the paper filed December 18, 2003, which is being treated under 37 CFR 1.181(a), to Withdraw Holding of Abandonment. This is also a decision on the petition under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition under 37 CFR 1.181(a) is **GRANTED**.

The petition under 37 CFR 1.313(c)(2) is **GRANTED**.

The application was held abandoned for failure to timely pay the issue fee on or before June 30, 2003 and respond to the Office letter of May 15, 2003.

A review of the file record do show that the requirements were submitted by Certificate of Mailing on June 30, 2003.

In view of the above, the holding of abandonment is hereby withdrawn and the application restored to pending status.

*As to the petition under 37 CFR 1.313(c)(2):*

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

**Petitioner is advised that the issue fee paid on July 3, 2003 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>**

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<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is

Telephone inquiries should be directed to the undersigned at (703) 305-8859.

After receipt of the file in the Office of Petitions, the application will be forwarded to Technology Center AU 3748 for processing of the request for continued examination under 37 CFR 1.114.



Karen Creasy  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

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indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).